

Here is the bottom line: I am not willing to tell the parents of my State that I sat by and did nothing. I am not willing to dismiss child exploitation as just some conspiracy theory. I am not willing to abandon the victims of this crime to their own devices and say: Good luck to you.

No, I am not willing to do that—nor am I willing to excuse Judge Jackson's record of leniency that does need to be corrected. She should not have had the discretion to sentence leniently in the extreme, as she did, nor should any judge in America, in my view. What is sauce for the goose is sauce for the gander. We should fix it for everybody across the board, and we can begin by acting as we did in 2003.

So I am disappointed, but I can't say that I am surprised that this measure has been objected to today. All I can say is that I pledge to my constituents—I pledge to the parents of my State and, yes, to the victims of my State—that I will continue to come to this floor and that I will continue to seek passage of this act until we get action from this Senate to protect children and to punish child pornographers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, after 27 minutes of debate on the floor of the Senate, the Senator now believes we are prepared to change the law that has been debated for decades. He has put in a bill introduced 7 days ago. It has been 7 days he has had passion for this issue—enough to introduce legislation.

If you want to take on a serious issue, take it on seriously, and that means doing the homework on it. Yes, have a hearing. Of course, have a hearing. We want to make sure the people from the Sentencing Commission and others are part of this conversation. It isn't just a matter of throwing charges out against a nominee.

If you want to be serious about it, then admit the obvious: In 70 to 80 percent of cases involving child sexual abuse material, Federal judges struggle with the same sentencing that we have set down. In light of Supreme Court decisions, we understand—I ask for order, Mr. President.

The PRESIDING OFFICER. There was no response to begin with to the Senator, so let's move forward.

Mr. DURBIN. Mr. President, I will say, as far as I am concerned, this is a serious matter that should be taken seriously. You don't become an expert by, 7 days ago, introducing a bill and saying: I have got it. Don't change a word of it. Make it the law of the land. Make it apply to every court in the land.

No. We are going to do this seriously. We are going to do it the right way, and we are going to tackle an issue that has been avoided for more than two decades, when you look at the history of it.

I find this reprehensible—the pornography, this exploitation of children—and there are no excuses whatsoever, but I am not going to do this in a slipshod, make-a-headline manner. We are going to do it in a manner that is serious, one in which we work with prosecutors, defenders, judges, and the Sentencing Commission, and get it right. It is time to get it right.

We wrote this law some 19 years ago, before the internet was as prevalent in society as it is today. Let us be mindful of that as we attack this problem and address it in a fashion that is befitting the Senate and the Senate Judiciary Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Mr. President, the Senator from Illinois says that Congress hasn't acted in two decades; that is true. I haven't been here for two decades; he has.

There is no excuse to not take action now. There is no excuse to not act on this problem when we know what the solution is.

So, listen, if the Senator is saying today, if he is committing today, to holding hearings and marking up a bill to toughen the child pornography laws, to make mandatory the sentencing guidelines, that is fantastic. I will take him at his word. I look forward to seeing those hearings noticed and to seeing that markup noticed, and I hope it will be forthcoming.

I am here to make a prediction. I think we will be waiting a very long time, because let's not forget what his party and the Sentencing Commission, stacked with members of his party, have been recommending. It has not been to make child sentences tougher—child pornography sentences tougher. They have wanted to make them weaker.

What the Sentencing Commission has recommended, with its liberal members for years now, is to make them weaker. That is what Judge Jackson has advocated. She also wants to change the guidelines—to make them weaker.

I think that is exactly the wrong move, and that is why the Senator was here to block this effort today. He doesn't want there to be tougher sentences. He doesn't want to talk about this issue. He wants to sweep it under the rug. I am here to say I won't let that happen. I will be here as long as it takes. I will be advocating for this in the Senate Judiciary Committee as long as it takes, until we get justice for the victims of child pornography and child exploitation.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Arkansas.

NOMINATION OF KETANJI BROWN JACKSON

Mr. COTTON. Madam President, the Senate will soon vote on the nomination of Judge Ketanji Brown Jackson to be Associate Justice of the Supreme Court. I will vote against her nomination.

Judge Jackson may be a fine woman, but she is a dangerous judge. She built her career as a far-left activist, and it didn't change when she put on a robe 10 years ago. She personifies activism from the bench. She has crusaded to undermine criminal sentences, and she cannot be trusted to interpret the law or the Constitution as written.

Judge Jackson's record makes clear that her brief stint as a criminal defense attorney wasn't motivated merely by a devotion to equal representation of all. It was part of a deep commitment to leniency for criminals. Indeed, she has continued to act as a de facto lawyer for criminals from behind the bench as she did from in front of it.

Judge Jackson's average sentences for criminals are 34 percent lighter than the national average for criminal cases and 25 percent lighter than her own court's average, the DC District Court.

Disturbingly, some of the most sensational examples of her soft-on-crime attitudes are cases involving child pornographers. She has given more lenient sentences than recommended by the sentencing guidelines in every single child pornography case where the law allowed it—every single one, every time. Individuals sentenced by Judge Jackson for child pornography possession receive, on average, 57 percent lighter sentences compared to the national average. For child pornography distribution, the sentence is 47 percent lighter than the national average.

These aren't just numbers. These are predators, and they go on to commit more of the most heinous crimes imaginable because Judge Jackson lets them off so easy. In one case, Judge Jackson gave child pornographer Wesley Hawkins just 3 months—3 months—in prison when the sentencing guidelines recommended 8 to 10 years—3 months versus a recommended 8 to 10 years. Judge Jackson even gave him a sentence that was one-sixth as long as what her own probation office recommended. And a few years later, when Hawkins should have still been in prison for his original offense, he did something else that got him 6 more months in custody. That is twice as long as his original sentence.

When all 11 Republicans on the Judiciary Committee sent a letter asking for details of what happened to justify this new sentence, Judge Jackson refused to provide any further information—so much, I guess, for looking at her record, as she urged us to do.

Her leniency isn't limited to child pornographers, either. In 2017, Judge

Jackson apologized—she apologized—to a fentanyl kingpin—his own words: kingpin—because she couldn't find a way to sidestep the law to give him less than the mandatory minimum sentence. She was very sorry that she had to give him such a long sentence.

But I guess, where there is a will, there is a way. A few years ago, she found a way to resentence this self-described kingpin below the mandatory minimum sentence. Through a completely made-up reinterpretation, Judge Jackson made the First Step Act retroactive for this fentanyl kingpin, something Congress had explicitly tried to avoid when it passed the law. This was judicial activism, plain and simple.

In her testimony, Judge Jackson claimed that there were no victims in that case. She is wrong. Fentanyl trafficking is not a victimless crime, and anyone who doesn't understand that doesn't belong on the Supreme Court.

In another case, Judge Jackson granted compassionate release—compassionate release—to a man who brutally murdered a deputy U.S. marshal on the steps of a church at a funeral. While in prison, this cop killer threatened prison staff and was caught in possession of a dangerous weapon—not exactly a model inmate. He was repeatedly denied parole. Yet Judge Jackson granted him compassionate release because he had high blood pressure.

In yet another case, a career criminal assaulted a deputy U.S. marshal with a deadly weapon while resisting arrest. This was the third time that this criminal had assaulted law enforcement officers—the very officers who risk their lives to keep judges like Judge Jackson safe.

Judge Jackson didn't just sentence him below the government's request or the sentencing guideline range. She gave the criminal less time than even the criminal himself had advocated. You can't make this stuff up.

In 2013, a sex offender who had repeatedly raped his 13-year-old niece was arrested for falsifying sex offender registration records to avoid telling the government where he was living and that he was working at a daycare. The government sought a 2-year prison sentence, but Judge Jackson gave him just 1 year instead. And during that second year, when he would have been in prison, he tried to rape again and then bribed the victim with \$2,500 to recant her testimony. This dangerous sex offender was convicted of obstructing justice, yet when presented with a do-over, Judge Jackson sentenced him to just 24 months in prison for those violations. I wish I could say this was to her credit because, to be fair, 24 months was the sentence recommended by the government. But she ensured in her order that this sentence would run concurrently with his sentence in local DC jail so he only ended up serving 1 year instead of 2.

Judge Jackson habitually sympathizes with criminals over victims.

These are just a few of the many outrageous cases in Judge Jackson's record. The takeaway is crystal clear: If you are a criminal, you would be lucky to have your case assigned to Judge Jackson. If you are a victim or anyone else seeking justice, you should hope that your case is assigned to literally any other judge. As a trial judge, though, Judge Jackson could only help one criminal at a time. As a Supreme Court Justice, she would be able to benefit criminals nationwide, in all cases.

Judge Jackson's far-left activism extends beyond crime, as well. Not only did she engage in what the Sixth Circuit called an "end run around Congress" to retroactively reduce the sentence of the fentanyl kingpin I mentioned earlier, she also worked hard to strike down a Trump administration order expediting the removal of illegal aliens on equally specious legal grounds.

The law passed by Congress granted the Department of Homeland Security "sole and unreviewable" discretion—"sole and unreviewable" discretion—to decide which illegal aliens should be subject to expedited removal. Nonetheless, Judge Jackson inserted herself to strike down what she called "a terrible policy" by the Department of Homeland Security. Well, I regret to inform Judge Jackson that it is not her role in our system to decide whether immigration policy is good, bad, terrible, or any other adjective she wants to use, only whether it is lawful and authorized by law.

And, of course, the DC Circuit Court, which is not exactly a hotbed of conservative jurists, agreed and reversed Judge Jackson's decision noting that there "could hardly be a more definitive expression of congressional intent" than the language in that law that she disregarded. But Judge Jackson didn't care. She had an anti-Trump op-ed she wanted to write in the form of a judicial opinion.

Judge Jackson has also shown real interest in helping terrorists. It is true you shouldn't judge a lawyer for being willing to take on an unpopular case, but you can certainly learn something about a lawyer whose cases they seek out. And for Judge Jackson and her friends in the liberal legal profession, these cases were not unpopular at all. Judge Jackson represented four terrorists as a public defender, one of whom she continued to represent in private practice voluntarily, and she voluntarily filed multiple friend-of-the-court briefs on behalf of terrorists while in private practice.

To make matters worse, she apparently didn't even bother—when she was representing these terrorists, she didn't bother to establish a reasonable belief that what she filed with the court was factually true. Three of her four case filings were identical—word for word, comma for comma. She alleged identical facts and legal arguments in each case. The only dif-

ferences between the briefs were the names and the case numbers. And in every one of those cases, she claimed the terrorists had never had any affiliation with the Taliban or al-Qaida. And in every one of those cases, she accused the Bush administration and American soldiers of war crimes.

And who are these supposed innocent victims of American war crimes who, according to Judge Jackson, had nothing at all to do with terrorism, no siree, nothing at all? One of her clients designed the prototype shoe bomb that was used in an unsuccessful attempt to blow up a passenger airplane. Another planned and executed a rocket attack on U.S. forces in Afghanistan. And a third was arrested in a raid on an al-Qaida explosives training camp. Yet in every case, she claimed that none of them had anything to do with terrorism—not a thing, totally innocent, just goatherders who were picked up by marauding American troops.

You know, the last Judge Jackson left the Supreme Court to go to Nuremberg and prosecute the case against the Nazis. This Judge Jackson might have gone there to defend them.

Judge Jackson also refused to answer one commonsense question after another. For example, when Senator BLACKBURN asked her what a "woman" is, she pretended not to know. I asked her who has more of a right to be in the United States, new citizens who follow the rules or illegal aliens whose very first act in the United States was to break our laws. Judge Jackson refused to answer.

When I asked the simple question of Judge Jackson whether releasing Guantanamo Bay terrorists would make us more safe or less safe, she again pretended not to know the answer, even though it is published by the Biden administration.

I also asked Judge Jackson if criminals were more or less likely to commit a crime if they knew they would be caught, convicted, and sentenced. I asked this pretty basic question at least three times. It was not a hard question; yet, again, she refused to answer.

Judge Jackson also refused to say whether packing the Supreme Court was a bad idea, even though the judge for whom she clerked and seeks to replace, Justice Breyer, and the late, sainted Justice Ruth Bader Ginsburg—neither of whom are known for their conservative views—were both willing to publicly denounce such court-packing schemes by the Democrats.

Judge Jackson may feign ignorance, not because she doesn't know these answers, but because liberal judicial philosophy is all too often based on denying reality. As a judge, Judge Jackson has denied that reality again and again. Judge Jackson will coddle criminals and terrorists, and she will twist or ignore the law to reach the result that she wants. That is not what we need in a Supreme Court Justice, and that is why I will be voting against her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

BUDGET PROPOSAL

Mr. THUNE. Madam President, if a budget is a set of priorities, here are the President's: an expanded Federal Government, a diminished national defense, higher gas prices, and an open border. Those are the priorities reflected in the budget the President released last week, which contained pretty much what you would expect—more taxes, more spending, more borrowing, and, in all likelihood, more inflation as a result.

Big taxes and big spending have been the agenda for President Biden since he took office. After signing a \$1.9 trillion spending spree in March of 2021 that helped create the worst inflation in 40 years, President Biden spent much of last year pushing for still more spending to fund his vision of an expanded Federal Government.

In his 2023 budget, it is just more of the same. The President's budget would increase average yearly spending by 66 percent as compared to the average of the last 10 years. Sixty-six percent—that is a staggering spending increase. Yearly Federal spending under the Biden budget would average \$7.3 trillion. To put that in perspective, the total average spending in 2019 was \$4.4 trillion.

How is the President going to pay for this, if he even can? Taxes, a lot of taxes—"the biggest tax increase in history in dollar terms," according to Bloomberg.

The President, of course, attempts to sell the tax hikes he is proposing as something that won't affect ordinary Americans. That couldn't be more wrong.

That corporate tax hike that he keeps pushing—one study estimates that 31 percent of the corporate tax is borne by consumers. Another big portion of it is borne by labor, otherwise known as ordinary, hard-working Americans.

Higher prices, fewer jobs, lower salaries—we can expect to see all that and more if the President hikes taxes on companies. And I haven't even mentioned the fact that a corporate tax hike may end up hurting private pensions in the value of American's 401(k)s.

Then there are the tax hikes on conventional energy companies, the companies that produce the oil and gas that Americans use to heat their homes and to drive their cars. Increasing taxes on fossil fuel companies to the tune of tens of billions of dollars is pretty much guaranteed to discourage the additional energy production we need to drive down gas prices. Ironically, the proposals to go after traditional American energy production come from the same administration that is releasing oil from the Strategic Petroleum Reserve to deal with high gas prices. You can't make this up.

Then there is inflation. Democrats helped create our current inflation cri-

sis by sending a lot of unnecessary government money into the economy via the so-called American Rescue Plan. The President's budget would essentially do the same thing, which means our already serious inflation crisis could get even worse.

I mentioned the big spending increases in the President's budget. But what I actually meant are the big non-defense spending increases because, while on paper it may look like the President is hiking defense spending, his supposed funding increase would be effectively canceled out by inflation.

When you take into account Democrats' historic inflation, it turns out President Biden's supposed defense spending increase could actually turn out to be a spending cut. Even in the best-case scenario, his budget would leave defense spending essentially flat, which would leave our military dangerously underfunded. That is a big problem.

In a rapidly evolving threat environment, the last thing we can afford is a self-inflicted defeat from underfunding our military. Given Russia's war of aggression in Ukraine and threats to NATO, an increasingly aggressive China, Iran's nuclear ambitions, North Korea's uptick in missile tests, and the Taliban taking over in Afghanistan, among other things, President Biden should be taking national defense spending at least as seriously as domestic spending, but he is not.

The Biden budget proposal would leave the Army, Navy, Marine Corps, Air Force, and Space Force under-equipped and undermanned and put our defense planning on a dangerously insufficient trajectory.

The President's budget also fails to adequately address border security and immigration enforcement.

Almost since the day the President took office, we have been experiencing an unprecedented flood of illegal immigration across our southern border. In fiscal year 2021, the Border Patrol encountered more than 1.7 million individuals attempting to cross our southern border, the highest number ever recorded. We have had 12 straight months of border encounters in excess of 150,000, and the surge is likely to even get worse now that the President has rescinded the title 42 border policy to immediately deport individuals illegally attempting to cross the border.

What is the President's answer?

Well, \$150-million cut to the U.S. Immigration and Customs Enforcement next year. That is right. We are experiencing an unprecedented surge of illegal immigration, and the President's budget would cut funding to Immigration and Customs Enforcement.

Perhaps the most outrageous thing about the President's budget is the way he misrepresents it. He is now trying to portray himself as somewhat fiscally responsible, as if a 66 percent higher yearly average spending than the last 10 years could be considered fiscally responsible. The President is

talking a lot about deficit reduction—both the deficit reduction he has supposedly created and the deficit reduction his budget will supposedly produce.

But the actual numbers will, again, tell a very different story. The deficit reduction the President would like to take credit for is partly the result of the end of temporary COVID spending measures, which were scheduled to end whether the President lifted a finger or not. Our current deficit would have been a lot lower if the President hadn't decided that we needed a partisan \$1.9 trillion spending spree last year, a spending spree entirely—entirely—made up of deficit spending.

When it comes to the President's 2023 budget, the administration claims "deficits under the budget policies would fall to less than one-third of the 2020 level the President inherited."

The key phrase there is "the 2020 level the President inherited." And 2020 saw a huge but temporary surge in government spending to deal with the onset of the COVID crisis.

As a result, it is grossly deceptive to take the 2020 deficit as a baseline. A more honest assessment of the prospects for deficit reduction under the President's budget would look at pre-COVID deficits as a baseline and compare the President's future deficits to those, but that wouldn't suit the President's purposes.

Now that it has become apparent that the American people are not, in fact, thrilled by far-left Democratic governance, the President is eager to portray himself as a moderate—hence his inflated claims of deficit reduction.

It is the same reason the President is touting his supposed spending hike on national defense while conveniently omitting the fact that when you figure in real inflation, the spending hike may actually be a spending cut.

No matter how the President tries to dress it up, his fiscal year 2023 budget is more of the same far-left priorities—more taxes, more unnecessary spending, and more economic pain for the American people.

And I hope, I hope my Democratic colleagues will think twice before foisting this budget onto hard-working Americans.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MARKEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF KETANJI BROWN JACKSON

Mr. MARKEY. Madam President, I rise to speak in support of the nomination of Judge Ketanji Brown Jackson to serve as an Associate Justice of the U.S. Supreme Court. When confirmed, Judge Jackson, who currently serves on the U.S. Court of Appeals for the